

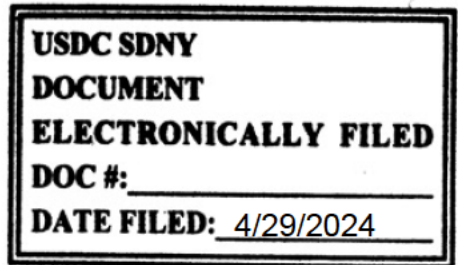
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April 19, 2024

VIA CM/ECF

Hon. Robert W. Lehrburger
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

The request is granted and the revised letters of request will be issued.

SO ORDERED:

4/29/2024

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Re: *Lupin Ltd. v. Salix Pharmaceuticals, Inc., et al.*, No. 22-cv-7656 (JHR)

Dear Judge Lehrburger:

We represent Plaintiff and Counterclaim-Defendant Lupin Ltd. (“Lupin”) in the above-referenced action. On January 19, 2024, the Court granted Lupin’s motions seeking issuance of letters of request for discovery from foreign entities Fabbbrica Italiana Sintetici S.p.A. (“FIS”) in Italy, and Rohner AG (“Rohner”) in Switzerland under the Hague Convention, subject to certain revisions. *See* ECF No. 93. Lupin refiled its revised letters of request on January 31, 2024 (ECF No. 97), and on February 1, 2024, the Court issued Lupin’s revised letters of request for discovery.

Since that time, Lupin has worked diligently to finalize and serve the issued letters of request on FIS and Rohner. To do so, Lupin has consulted with an expert who regularly assists parties with serving similar letters of request under the Hague Convention. In connection with these discussions, Lupin has become aware that the letters of requests could potentially be construed as using overbroad language and may not be accepted by the relevant authorities in Italy and Switzerland. Lupin has also been informed that such rejections would likely only be communicated months after the service of the requests in Italy and Switzerland.

In an effort to avoid any such delays that could be caused by such rejections, and in an abundance of caution, Lupin has worked to narrow the language used in its letters of request. Lupin therefore respectfully requests that this Court endorse its revised letters of request for FIS and Rohner, along with their accompanying exhibits, attached hereto as **Exhibit A** and **Exhibit B** respectively. Redlines of the FIS and Rohner document requests are attached hereto as **Exhibit C** and **Exhibit D** respectively. The revised letters of request are substantively similar to the ones issued by this Court, with only the language of their document requests having been narrowed down to address the above-referenced concerns. Further, we note that as part of the narrowing of

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these discovery requests, we have also removed the requests for depositions of both FIS and Rohner.

We respectfully request the Court re-issue these revised letters of requests, which Lupin will then promptly serve on FIS and Rohner in Italy and Switzerland respectively. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Kyla Jackson

Kyla Jackson

Cc: All counsel of record via ECF